IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 28TH SEPTEMBER 2006 / 6TH ASWINA 1928

Bail Appl..No. 5759 of 2006

CRIME NO.555/2006 OF CHALAKKUDI POLICE STATION

PETITIONERS/ACCUSED PERSONS

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1. BINU, S/O.MOHANAN,
   KURANJALIL HOUSE, CHERUPUZHA P.O.,
   KANNUR.

2. ANIL, S/O.BHASKARAN,
   PUTHUPARAMBIL HOUSE, VYATTUPUZHA P.O.,
   CHITTAR, PATHANAMTHITTA.

3. PRAKASH.M.C., S/O.CHANDRAN,
   MOOCHUKKAL HOUSE, VALLIKODE P.O.,
   PANNIYAM PADAM, PALAKKAD.

4. SUNNY, S/O.MATHAI,
   PUTHEN VEETTIL HOUSE, MATHAIPARA P.O.,
   PALUKKAVU.

BY ADV. SRI.K.R.VINOD

RESPONDENTS:

STATE OF KERALA, REP. BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR C.K. SURESH

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 28/09/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 5759/2006

DATED THIS THE 28TH DAY OF SEPTEMBER, 2006

O R D E R

The petitioners are accused 1 to 4, in crime No.555/2006 of Chalakkudi Police Station. They are before this Court, under Section 438 Cr.P.C., as they apprehend arrest for the offence alleged against them, under Sections 323 and 452 IPC read with Section 34 IPC.

2. The facts reveal that on 10.9.2006 at 1.30 a.m, the petitioners had trespassed into the house of the defacto complainant and assaulted him and his friend. Therefore, at his instance crime No.555/2006 of Chalakkudi Police Station had been registered. However, it is brought out that in retaliation of the above occurrence, the defacto complainant and others had trespassed into the residence of the petitioners at 4.30 a.m., and assaulted them. Therefore, crime No.550/2006 of the very same police station had been registered.

3. The facts further reveal that the assault

between the two groups had occurred because of the rivalry between them. In the facts situation, I direct the petitioners to surrender before the Investigating Officer, who is investigating crime No.555/2006 of Chalakkudi Police Station, on 5.10.2006 between 9.30 a.m and 10.00 a.m.

4. The Investigating Officer shall interrogate the petitioners and thereafter, produce them before the Court below at 4.00 p.m, on the same day itself.

5. The learned Magistrate shall allow the petitioners to be on bail, imposing such conditions, as are deemed necessary.

The application is disposed of as above.

J.M.JAMES
JUDGE

mrcs